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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of:

THOMAS J. GRADE, M.D.,

Holder of License No. 10424
for the practice of allopathic Medicine in
the State of Arizona, et al.,

Respondent.

No. MD-07-0309A

**Interim Findings of Fact, Conclusions of
Law and Order**

(Summary Suspension)

The Arizona Medical Board having considered this matter at its public meeting May 18, 2007. After reviewing relevant information and deliberating, the Board considered proceedings for summary action against the license of Thomas J. Grade, M.D. Dr. Grade failed to appear. Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusion of Law and Order for Summary Suspension of License pending formal hearing or other Board action pursuant to A.R.S. 32-1451(H).

INTERIM FINDINGS OF FACT

1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. Thomas J. Grade, M.D. ("Respondent") is the holder of License No. 10424 for the practice of allopathic medicine in the State of Arizona, although the license was summarily restricted by the board on December 8, 2005.
3. On April 26, 2007, the Board obtained the police report from the Gilbert Police Department noting that Respondent was arrested on April 25, 2007 for Domestic Violence and Assault. The police report also noted that Respondent was arrested

1 at his home after assaulting his wife and another individual when they attempted
2 to perform an intervention regarding Respondent's alcohol and drug abuse. Police
3 Officers found Respondent in the closet and when they attempted to arrest him, he
4 became combative. The Town of Gilbert Fire Department Emergency Medical
5 Services ("EMS") was dispatched to the scene. According to the EMS report
6 Respondent admitted to drinking 4 ounces of Brandy on that same day and using
7 OxyContin.

8 4. On April 27, 2007; April 30, 2007 and May 2, 2007, Board Staff made
9 several attempts to contact Respondent regarding the arrest and the allegations of
10 alcohol and drug abuse and for Respondent to appear for an investigative
11 interview. Board Staff left messages on Respondent's home telephone number and
12 an alternate number provided for Respondent and sent written notification to his
13 address of record.
14

15 5. Based on information and materials received by the Board and consultations
16 between the Board's Medical Consultant and contracted Addictionologist,
17 Respondent was ordered, on May 2, 2007, to undergo an inpatient evaluation at a
18 treatment program and to complete any recommended treatment, within 14 days.

19 6. On May 4, 2007, Respondent contacted Board Staff; stated he received the
20 Board's letter of April 27, 2007 and requested a formal interview. Board Staff
21 informed Respondent that on May 2, 2007 an Interim Order for Inpatient
22 Evaluation ("Order") was sent to his home address. Board Staff requested a fax
23 number from Respondent in an effort to provide him with the Order. Respondent
24 stated that he was unable to retrieve mail from his home as there was a restraining
25 order against him and did not understand why he needed to attend an inpatient
26

1 evaluation when his arrest did not involve alcohol. Respondent subsequently
2 ended the telephone call without providing a fax number.

3 7. On May 7, 2007, Board Staff left a message for Respondent on an alternate
4 telephone number requesting he return the call immediately. Respondent did not
5 return the telephone call. On May 15, 2007, Board Staff left a message for
6 Respondent again on the alternate telephone number requesting that he return the
7 call immediately and to provide a fax number so that Board Staff could fax him
8 the Order. Board Staff also stated that if Respondent did not contact Staff, he
9 would have to present to the Board for an interview on May 18, 2007. Respondent
10 did not contact the Board.

11 8. From June 22, 1991 through October 16, 1993, Respondent participated in
12 the Board's Monitored Aftercare Program.

13 INTERIM CONCLUSIONS OF LAW

14 9. The Board possesses jurisdiction of the subject matter hereof and over the
15 Respondent, holder of license number 10424 for the practice of allopathic medicine in
16 the State of Arizona.

17 10. The conduct and circumstances described above constitute unprofessional conduct
18 pursuant to A.R.S. § 32-1401(27)(f) "Habitual intemperance in the use of alcohol or
19 habitual substance abuse."

20 11. The conduct and circumstances described above constitute unprofessional conduct
21 pursuant to A.R.S. § 32-1401(27)(r) "Violating a formal order, probation, consent
22 agreement or stipulation issued or entered into by the board or its executive director
23 under the provisions of this chapter."

24 12. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
25 public health, safety or welfare imperatively requires emergency action. A.R.S. 32-
26

1 1451(D).

2 ORDER

3 Based on the foregoing Interim Findings of Fact and Conclusions of Law,
4 set forth above, IT IS HEREBY ORDERED THAT:

5
6 1. Respondent's license number 10424 for the practice of allopathic medicine
7 in the State of Arizona is summarily suspended pending formal hearing before an
8 Administrative Law Judge from the Office of Administrative Hearings.

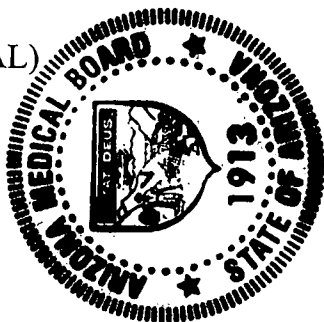
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10 2. The Interim Findings of Fact and Conclusions of Law constitute written
11 notice to Respondent of the charges of unprofessional conduct made by the Board
12 against him. The Respondent is entitled to a formal hearing to defend these
13 charges as expeditiously as possible after the issuance of this Order.

14
15 3. The Executive Director is instructed to refer this matter to the Office of
16 Administrative Hearings for scheduling an administrative hearing to be
17 commenced as expeditiously as possible from the date of issuance of this Order,
18 unless stipulated or agreed otherwise by Respondent.
19

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21 DATED AND EFFECTIVE this 18th day of May, 2007.

22 Arizona Medical Board

23 (SEAL)



24
25 Timothy C. Miller, J.D.
26 Executive Director

1
2 Original filed this 18th day of
3 May, 2007, with:

4 Arizona Medical Board
5 9545 East Doubletree Road
6 Scottsdale, AZ 85258

7 Executed Copies of the foregoing were
8 Mailed By U.S. Certified Mail
9 this 18th day of May, 2007, to:

10 Thomas J. Grade, MD
11 Address of Record

12 Dean E. Brekke
13 Office of Arizona Attorney General
14 1275 W. Washington CIV/LES
15 Phoenix Arizona 85007

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